

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

03-MDL-1570 (GBD)(SN)

ORDER

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SARAH NETBURN, United States Magistrate Judge:

This document relates to:

Addesso v. Kingdom of Saudi Arabia, 16-cv-9937 (GBD)(SN)

Aguilar v. Kingdom of Saudi Arabia, 16-cv-9663 (GBD)(SN)

Aiken v. Kingdom of Saudi Arabia, 17-cv-450 (GBD)(SN)

Beazley Furlonge, Ltd. v. Saudi Binladin Group, 16-cv-7456 (GBD)(SN)

Hodges v. Kingdom of Saudi Arabia, 17-cv-117 (GBD)(SN)

Underwriting Members of Lloyd's Syndicate 2 v. Al Rajhi Bank, 17-cv-2129 (GBD)

(SN) Charter Oak Fire Ins. Co. v. Al Rajhi Bank, 17-cv-2651 (GBD)(SN)

In a March 24, 2017 Scheduling Order, the Court requested a joint status report from the Plaintiffs' Executive Committees ("PEC") and the Defendants' Executive Committee ("DEC") regarding the most effective way to proceed as to the new cases filed against non-sovereign defendants. ECF No. 3482. On April 14, 2017, the Court received a status letter from the PEC and DEC proposing different procedures for three categories of non-sovereign defendants: (1) those currently engaged in merits discovery; (2) those currently engaged in jurisdictional discovery; and (3) defendants previously dismissed from this multidistrict litigation whose dismissals were upheld by the Court of Appeals for the Second Circuit. ECF No. 3517. Following a telephone conference on May 1, 2017, the Court requested that the PEC and DEC submit an amended proposal, which they did on May 8, 2017. ECF No. 3572. As set forth below, the Court adopts the amended proposal.

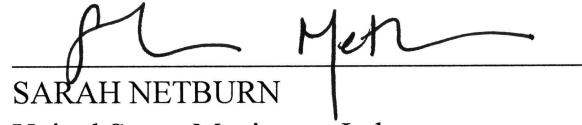
Plaintiffs in Underwriting Members of Lloyd's Syndicate 2 v. Al Rajhi Bank, 17cv2129 (GBD)(SN) ("Lloyd's I") will file an amended complaint as to National Commercial Bank, Al Rajhi Bank, and Saudi Binladin Group, who are the only three non-sovereign defendants named in that case, by Friday, May 19, 2017. On the same date, plaintiffs in Addesso, Aguilar, Aiken, and Hedges shall file (1) a stipulation adopting the jurisdictional, liability, and factual allegations presented in Lloyd's I; and (2) notices pursuant to Federal Rule of Civil Procedure 41(a) dismissing without prejudice the claims against the remaining non-sovereign defendants named in their complaints. The plaintiffs in Charter Oak Fire Ins. Co. v. Al Rajhi Bank, 17cv2651 (GBD)(SN), shall file the above-referenced stipulation on Friday May 19, 2017, and a status letter by Friday, May 26, 2017, advising the Court whether they intend to proceed on their claims as to the other non-sovereign defendants named in their complaint, or whether they intend to dismiss those claims.

National Commercial Bank, Al Rajhi Bank, and Saudi Binladin Group shall each file a consolidated motion to dismiss all of the referenced complaints, as well as any newly-filed complaints that incorporate the jurisdictional, liability, and factual allegations presented in Lloyd's I, by Monday, August 21, 2017. Each defendant's memorandum of law in support of its consolidated motion shall not exceed 35 pages. Plaintiffs shall file a consolidated opposition to each motion not to exceed 35 pages by Friday, October 20, 2017. Each defendant shall submit a consolidated reply not to exceed 15 pages by Monday, November 20, 2017.

Furthermore, as stated on the record at the March 23, 2017 status conference and requested by the parties, the Court ORDERS that acceptance of service by a defendant or waiver of service by a defendant shall not waive any jurisdictional or merits defenses to the claims in those actions, other than sufficiency of service. For avoidance of doubt, a defendant's acceptance

of service or waiver of service will have no impact on the defendant's right to argue that the Court lacks personal jurisdiction over it.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: May 16, 2017
New York, New York